

### REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of July 14, 2003 (hereinafter "Office Action"). In response, Applicants have amended independent Claim 6 to clarify that the capping layer and the second insulating are patterned together. Applicants have also canceled 25 and 27 - 29 without prejudice or disclaimer. Applicants respectfully submit that the cited reference fails to disclose at least the recitations of the independent claims as amended. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claim 6 is Patentable**

Independent Claim 6 stands rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,078,073 to Habu et al. (hereinafter "Habu"). Independent Claim 6 recites, in part:

...  
forming a pattern comprising a pair of mesa regions on a substrate;  
forming a first insulating layer on the pair of mesa regions;  
forming a second insulating layer on the pair of mesa regions and the  
substrate;  
forming a capping layer on the second insulating layer;  
patterning the capping layer and the second insulating layer together;  
... (Emphasis added.)

The Office Action alleges that the insulating film 4 and the insulating layer 7 shown in FIGS. 7A and 7B of Habu corresponds to the second insulating layer and the capping layer recitations of Claim 6, respectively. (Office Action, page 3). Claim 6, however, has been amended to clarify that the capping layer and the second insulating layer are patterned together. This is in sharp contrast with the disclosure of Habu as the insulating layer 7 is patterned separately from the insulating film 4. This is illustrated in FIGS. 7B and 7C of Habu where it is shown that the insulating layer 7 is patterned in FIG. 7C, but the insulating

film 4 remains unchanged from FIG. 7B to FIG. 7C. Thus, the insulating film 4 is not patterned together with the insulating layer 7.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 6 is patentable over Habu and that Claims 7 - 14 are patentable at least per the patentability of independent Claim 6.

**Independent Claim 15 is Patentable**

Independent Claim 15 stands rejected under 35 U.S.C. §102(b) as being anticipated by Habu. Independent Claim 15 recites, in part:

...  
forming a first insulating layer on the pair of mesa regions;  
forming an etch stop layer on the substrate;  
forming a second insulating layer on the pair of mesa regions and the  
etch stop layer;  
...

An etch stop layer is illustrated, for example, as layer 30 in FIG. 2A of the present application. The Office Action does not appear to identify any portion of the Habu reference that discloses or describes the etch stop layer recited in Claim 15. Moreover, Applicants can find no disclosure or suggestion in Habu of forming an etch stop layer as recited in Claim 15.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 15 is patentable over Habu and that Claims 16 - 24 are patentable at least per the patentability of independent Claim 15.

In re: Hong-Sik Jeong  
Serial No.: 10/008,700  
Filed: December 7, 2001  
Page 8 of 8

### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

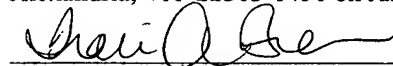


D. Scott Moore  
Registration No. 42,011

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 13, 2005.



Traci A. Brown